

## OPEN SESSION MINUTES

*Department of Consumer Affairs  
Board of Psychology  
Quarterly Meeting  
Embassy Suites Hotel  
9801 Airport Boulevard  
Los Angeles, CA 90045  
May 15, 1998*

The open session meeting of the Board of Psychology was called to order by Bruce Ebert, Ph.D., J.D. at 8:00 a.m.. A quorum was present and due notice had been set to interested parties.

Present were:

Bruce Ebert, Ph.D., J.D., Chairperson  
Judith Janaro Fabian, Ph.D., Vice-Chairperson  
Martin Greenberg, Ph.D.  
Linda Hee, Ph.D.  
Emil Rodolfa, Ph.D.  
Mary Ellen Early  
Marilyn Palarea

Others Present:

Thomas O'Connor, Executive Officer  
Dan Buntjer, DCA Legal Counsel  
Suzanne Taylor, Enforcement Coordinator  
Karen Johnson, Licensing/Examination Coordinator  
Jeff Thomas, Project Coordinator  
Annette Brown, Business Services Technician

### **Agenda Item #1 - Committee Meetings**

#### **Credentials Committee**

The Credentials Committee met to formulate its recommendations to be presented to the Board.

#### **Examination Committee**

The Examination Committee met to formulate its recommendations to be presented to the Board.

#### **Enforcement Committee**

The Enforcement Committee met to formulate its recommendations to be presented to the Board.

## **Legislation Committee**

The Legislation Committee met to formulate its recommendations to be presented to the Board.

## **Consumer Education Committee**

The Consumer Education Committee met to formulate its recommendations to be presented to the Board.

## **Sunset Review Committee**

The Sunset Review Committee met to formulate its recommendations to be presented to the Board.

The Open Session meeting adjourned at 10:10 a.m. and convened in Closed Session.

The Closed Session meeting adjourned at 12:00 noon for lunch break.

The Board reconvened in Open Session at 1:00 p.m.

### **Agenda Item #6 - Approval of March 6, 1998 and March 7, 1998 Open Session Minutes.**

It was M(Fabian)/S(Greenberg)/C to approve the open session minutes of March 6, 1998.

VOTE: 5-0 (Unanimous) 2-Abstentions (Ebert, Early)

It was M(Fabian)/S(Greenberg)/C to approve the open session minutes of March 7, 1998 with amendment of two spelling errors.

VOTE: 5-0 (Unanimous) 2-Abstentions (Ebert, Early)

### **Agenda Item #7 - Annual Election of Officers**

#### **a. Chairperson**

It was M(Fabian)/S(Palarea)/C to re-elect Dr. Ebert as Chairperson.

VOTE: 7-0 (Unanimous)

#### **b. Vice-Chairperson**

It was M(Ebert)/S(Greenberg)/C to re-elect Dr. Fabian as Vice-Chairperson.

VOTE: 7-0 (Unanimous)

**c. Secretary**

It was M(Palarea)/S(Early)/C to re-elect Mary McMillan as Secretary.

VOTE: 7-0 (Unanimous)

**Agenda Item #8 - Chairperson's Report**

1. Committee Appointments

Dr. Ebert presented the tentative committee assignments as follows:

- |    |                                  |  |
|----|----------------------------------|--|
| 1. | <b>CREDENTIALS<br/>COMMITTEE</b> | Chair: Linda Hee, Ph.D.<br>Vice-Chair: Martin Greenberg, Ph.D.<br>Emil Rodolfa, Ph.D.<br>Mary Ellen Early                                      |
| 2. | <b>EXAMINATION<br/>COMMITTEE</b> | Chair: Judith Janaro Fabian, Ph.D.<br>Vice-Chair: Martin Greenberg, Ph.D.<br>Emil Rodolfa, Ph.D.<br>Bruce Ebert, Ph.D., J.D.                   |
| 3. | <b>ENFORCEMENT<br/>COMMITTEE</b> | Chair: Marilyn Palarea<br>Vice-Chair: Mary Ellen Early<br>Mary McMillan<br>Bruce Ebert, Ph.D., J.D.<br>Martin Greenberg, Ph.D. - When needed   |
| 4. | <b>LEGISLATION<br/>COMMITTEE</b> | Chair: Mary McMillan<br>Mary Ellen Early<br>Marilyn Palarea<br>Linda Hee, Ph.D.  |
| 5. | <b>CONSUMER<br/>EDUCATION</b>    | Chair: Mary Ellen Early<br>Vice-Chair: Emil Rodolfa, Ph.D.<br>Bruce Ebert, Ph.D., J.D.<br>Linda Hee, Ph.D.<br>Mary McMillan<br>Marilyn Palarea |

- |   |  |
|---|--|
| 6. <b>SUNSET REVIEW<br/>COMMITTEE</b>                         | Chair: Bruce Ebert, Ph.D., J.D.<br>Martin Greenberg, Ph.D.<br>Judith Janaro Fabian, Ph.D.<br>Linda Hee, Ph.D.<br>Mary McMillan<br>Mr. O'Connor |
| 7. <b>AD HOC COMMITTEE<br/>ON SUPERVISION<br/>REGULATIONS</b> | Chair: Emil Rodolfa, Ph.D.<br>Bruce Ebert, Ph.D., J.D.<br>Martin Greenberg, Ph.D.<br>Linda Hee, Ph.D.<br>Thomas O'Connor                       |

**b.      ASPPB Letter to the National Psychologist**

Dr. Ebert reviewed a letter from Randolph Reaves, J.D., Executive Officer from ASPPB, in response to a negative article in the National Psychologist about the California Board of Psychology. In the letter, Mr. Reaves praises the Board's pro-active enforcement program as well as the examination process. The Board members expressed their appreciation of Randy Reaves' letter.

**c.      Correspondence**

Dr. Ebert reviewed a letter of appreciation to Dr. Fabian from Dr. Falender and Dr. Brodsky of CPA. The letter was in response to a recent oral presentation Dr. Fabian delivered to their group.

**d.      Other Post Agenda Items for Discussion**

None.

**Agenda Item #9 - Executive Officer's Report**

1.      Notification to Holders of Delinquent Licenses

Mr. O'Connor reported that a notification letter was sent to all delinquent licensees in February, 1998 and that in the subsequent three months 100 more delinquent licensees than normal were renewed. He credited the notification for an extra \$50,000 generated in revenue. He indicated this notification will be sent routinely in the future.

2.      Correspondence

Mr. O'Connor reported on a press release from the Governor announcing the appointment of Ronald Joseph as Acting Director of the Department of Consumer Affairs following the departure of Marjorie Berte. Mr. Joseph concurrently serves as Executive Director of the Medical Board.

Mr. O'Connor also reviewed a letter from Marjorie Berte, former Director of DCA, expressing her thanks for the Board's cooperation during her tenure as Director.

3. Staff Update

Mr. O'Connor reported on a workload study analysis by lead staff which resulted in the redistribution of workload to ensure greater efficiency across programs.

4. Budget Update

Mr. O'Connor reported the budget was approved by the Senate on March 25, 1998 and approved by the Assembly on May 6, 1998.

**e. Other Post-Agenda Items for Discussion**

None.

**Agenda Item #10 -Legal Counsel's Report**

**a. Update: Federal Welfare Reform Act**

Mr. Buntjer updated the board on the Federal Welfare Reform Act signed by President Clinton in October, 1996. This Act prohibits illegal aliens from licensure. The Governor wants Boards to implement regulations to comply with the act. A DCA Task Force proposed a pilot project to draft regulations and an implementation process which the Governor rejected. The Contractors Board, however, is still moving forward and will take the lead for all Boards. Self-certification has been suggested as one method for implementation with random audits. A major unanswered issue concerns what kind of documentation will be required.

**b. Issue: Amicus Curiae Briefs in Support of Civil Appeals**

Mr. Buntjer reported on Amicus Curiae Briefs (Friend of the Court). The Governor has guidelines which state a Board would have to be party to the action or directly affected by the action in order to file such a brief. State agencies can file Amicus Curiae Briefs only with the approval of the Governor's Office.

**c. Other Post-Agenda Items for Discussion**

None.

**Agenda Item #11 - Regulation Update**

1. Supervision Regulations

Mr. O'Connor reported the revisions of the supervision regulations are in progress and are available in draft for review, by board members. No target date has been estimated of when the revisions will be completed. Dr. Haley asked if supervision of psychological assistants in satellite offices will be addressed and was advised by Mr. O'Connor and Dr. Rodolfa that indeed, this issue is an area of concern which we intend to address in this project.

**b. Progress of Rulemaking Files**

Mr. Thomas updated the Board on the status of the current rulemaking files.

Mr. Thomas reported on three regulation packages: CE Regulations were approved on April 30, 1998 and become effective 5/30/98. The new language will be posted on the board's website. Exam Fee regulations were approved by DCA on March 6, 1998 and now are waiting for Dept. Of Finance approval. A hearing on the proposed Certification of Professional Qualification regulations is scheduled for June 19, 1998 in Los Angeles.

**c. Other Post-Agenda Items for Discussion**

None.

**Agenda Item #12 - Continuing Education Update**

Mr. O'Connor reported on the approval of the CE Regulations and indicated that CE earned at the APA convention will now count pursuant to the new regulations.

**Agenda Item #13 - Credential Committee Report**

1. Review of Form for Applicant to Submit a Plan for Supervised Professional Experience Pursuant to 1387(o)(3)

Dr. Hee reviewed the form Ms. Johnson developed. She suggested a few edits prior to implementing the form.

2. Kathleen Devlin, PhD - Request to Accrue Supervised Experience in Psychological Research at Children's Hospital of Orange

Dr. Hee reported no new information was submitted by Dr. Devlin, therefore, the committee had no recommendation.

**c. Raymond Yenigues, PhD - Review of Equivalent Degree**

The Credential Committee determined that Dr. Yenigues' dissertation is not psychological in nature. Therefore, it does not meet the educational requirements for licensure pursuant to regulation section 1386(a)(b).

It was M(Hee)/C to reject Dr. Yenigues' doctorate degree.

VOTE: 7-0 Unanimous

**d. Barbara-Joan Withall, PhD - Review of Equivalent Degree**

The Credential Committee determined that Dr. Withall's dissertation was not psychological in nature, therefore, it does not meet the educational requirements for licensure pursuant to regulation section 1386(d)(6).

It was M(Hee)/C to reject Dr. Withall's doctorate degree.

VOTE: 7-0 Unanimous

**5. Beverly Smith, PhD - Review of Equivalent Degree**

The Credential Committee accepted Dr. Smith's doctorate degree, with one condition: that she complete a course in personality assessment. No action at this time.

**6. Other Post-Agenda Items for Discussion**

Dr. Hee discussed the foreign degree evaluation for Dr. Gregory Shaperstein. The Credentials Committee needs further information from the evaluation service before it can make a recommendation to the full Board.

Dr. Hee discussed Dr. Selene Mitlying's letter. Staff will write a letter to Dr. Mitlying explaining that interns can earn up to 750 hours under the primary supervision of an MFCC in an exempt setting, and the primary supervisor must be on-site 50% of the time as the person supervised pursuant to 1387(b).

**Agenda Item #14 - Examination Committee Report**

**a. Hartwig Hoefer, PhD - Request for Waiver of the EPPP Based on Significant Contributions to the Profession**

The Examination Committee moved to deny Dr. Hoefer's request of waiver of the EPPP.

M(Exam Committee)/C

VOTE: 6-0 (Fabian abstained)

**b. 1/98 Oral Examination and 10/97 EPPP Statistics**

Dr. Fabian reported on the exam statistics. The October 1997 EPPP pass rate was 64% and the

January 1998 oral exam pass rate was 44%. The exam statistics will be in the next BOP Update.

**c. Oral Examination Candidate/Examiner Exit Questionnaire/Survey**

Dr. Fabian reported the exit survey will be used at the June 1998 oral exam as a tool for the candidates to express their opinions of the entire application/examination process.

**d. Other Post-Agenda Items for Discussion**

None.

**Agenda Item #15 - Enforcement Committee Report**

**a. Latest Enforcement Statistics**

Ms. Palarea reported on the latest Enforcement Statistics. She also reported on seven new expert applications; of these seven, five were approved, one was rejected, and one needs to provide more information.

**b. Other Post-Agenda Items for Discussion**

None.

**Agenda Item #16- Legislation Committee Report**

**1. AB 2245 (Baldwin)**

Mr. O'Connor recommended no position or action on this bill at this time. CPA is keeping a watch on it. It concerns foreign and domestic liability companies.

**b. AB 2648 (Machado)**

Mr. O'Connor reported that this bill passed in the Assembly. CPA strongly supports the bill.

It was M(Ebert)/S(Fabian)/C to support AB 2648

VOTE: 7-0 Unanimous

**c. SB 1930 (Polanco)**

Mr. O'Connor reported that this bill has been revised and is no longer relevant to the profession of Psychology.

**d. SB 2050 (Polanco and Rainey)**

Mr. O'Connor reported this bill has been drastically revised and now requires BOP to develop

guidelines for education and certification programs concerning psychopharmacology. He recommends a watch position and that we write the author to express concerns over definition of the work “encourage” and possible confusion of consumers over the “certification” which could also be misleading.

It was M(Fabian)/S(Early)/C to take a watch position and write a letter of concern to the author of SB 2050.

VOTE: 6-0 (Ebert abstained)

**e. SB 2238 (Committee on Business and Professions)**

Mr. O’Connor reported on this legislation regarding sexual misconduct with a former patient and recommended that the board take a position to support the bill.

It was M(Early)/S(Fabian)/C to support SB 2238

VOTE: 7-0 Unanimous

**f. Other Post-Agenda Items for Discussion**

Sunrise Legislation - SB 1983 includes all recommendations in the BOP Sunset Review Report. This legislation will come before the Senate Appropriations Committee on May 20, 1998. Dr. Ebert and Mr. O’Connor will attend.

It was M(Ebert)/S(Fabian)/C to strongly support SB 1983

Vote: 7-0 Unanimous

**Agenda Item #17 - Consumer Education Committee Report**

**a. BOP Update V**

The next BOP Update is in its final stages and should be published July 1998. Dr. Ebert reported that he submitted an article on the Code of Conduct.

**b. Website Update**

Mr. O’Connor reported there have been 12,763 hits to the Board of Psychology Webpage in the past four months. He also reviewed examples of E-Mail questions and the Board’s quick responses to those questions.

**1. News Flash! BOP First Board to Accept Consumer Complaints Over the Internet!**

Mr. O'Connor reviewed a Press Release announcing that Californians can now file complaints regarding the practice of psychology electronically over the Internet.

**c. Other Post-Agenda Items for Discussion**

Mr. O'Connor reviewed a new document concerning the most important and least understood laws and regulations governing the supervision of psychological assistants. Ms. Taylor developed the document which will be formatted in brochure form and provided to all new supervisors and assistants. Also, it will be included on the Board's website.

**Agenda Item #18 - Sunset Review Committee**

**a. Sunrise Legislation - SB 1983 Greene**

Taken out of order. Agenda Item #16(f).

**b. Other Post-Agenda Items for Discussion**

None.

**Agenda Item #19 - Public Comment**

None.

The Open Session meeting adjourned at 2:20 p.m.

Respectfully Submitted,

Bruce Ebert, Ph.D., J.D.  
Chairperson

Judith Janaro Fabian, Ph.D.  
Vice-Chairperson